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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,599	10/27/2003	Egbert Classen	ZTP01P11003	3516

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EXAMINER
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ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/694,599

Applicant(s)

CLASSEN ET AL.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1, 3, 18 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 4-6, 9-17, 19-21 & 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (US 3,788,500).

With respect to claim 2, Lemelson discloses a conveying unit 14 installed in a loading region G.

With respect to claim 4, Lemelson discloses an apparatus comprising a conveying unit 16 inserted into a transport compartment 25 and conveying goods L, P, a conveying unit 14-16 having a gripping unit 16 and a lifting unit 16 wherein a gripping unit 16 has one gripping unit 16 disposed after another gripping unit 16. It is noted that Lemelson discloses two gripping units to automatically load and/or unload a transport compartment by traveling adjacent thereto or into a storage compartment. Lemelson Abstract.

With respect to claim 5, Lemelson discloses conveying unit 14 comprising a guide and support unit 15 connected to a gripping unit 16.

With respect to claim 6, Lemelson discloses gripping unit pick-up region G and a guide and support unit above pick-up region.

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With respect to claim 9, Lemelson discloses gripping unit 16 mounted on guide and support unit 15.

With respect to claim 10, Lemelson discloses a guide and support unit 15 end points in direction of transport compartment 22 with a guide and support unit support element 12S, 21 on end 21.

With respect to claims 11-12 & 14-15, Lemelson discloses gripping unit 16 having one or two degrees of freedom. It is noted that Lemelson discloses a first degree being that in a vertical direction, and a second degree being that in a horizontal direction, i.e. into a loading compartment.

With respect to claim 13, Lemelson discloses a cross member 16, and gripping unit moves which transversely across loading direction 15

With respect to claim 16, Lemelson discloses a conveying unit 14 with rollers 29.

With respect to claim 17, Lemelson discloses a commercial motor vehicle 12.

With respect to claim 19, Lemelson discloses an apparatus comprising a transport compartment 12 for goods units L, goods units base pick-up region G, conveying unit 14-15, 2 conveying unit gripping units 16, 16, 2 conveying unit lifting units 16, 16, and two conveying unit guide and support units 15, 16. It is noted that Lemelson discloses two gripping units to automatically load and/or unload a transport compartment by traveling adjacent thereto or into a storage compartment. Lemelson  
Abstract.

With respect to claim 20, Lemelson discloses a conveying unit in loading region 14, rollers 29 and support conveying unit 14, 15.

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With respect to claim 23, Lemelson discloses a gripping unit 16 mounted on a guide and support unit 15

With respect to claim 24, Lemelson discloses a guide and support unit 15 points into a transport compartment 12 and a supporting element 15S disposed at the end.

With respect to claims 25 & 27, Lemelson discloses a gripping unit 16 moves in one or two degrees of freedom. It is noted that Lemelson discloses a first degree being that in a vertical direction, and a second degree being that in a horizontal direction, i.e. into a loading compartment.

With respect to claim 26, Lemelson discloses gripping units 16 that move transversely with respect to a loading and unloading direction.

With respect to claim 28, Lemelson discloses a conveying unit 16 has rollers 29.

With respect to claim 29, Lemelson discloses a transport compartment 12 is in a vehicle 12

With respect to claim 31, Lemelson discloses a loading and unloading transport compartment 20 providing conveying unit 14, two gripping units 16, two lifting units 16 guide and support unit connects to gripping unit 15 inserting conveying unit into transport compartment.

3. Claims 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornacchia (US 5,108,255).

With respect to claim 32, Cornacchia discloses an apparatus comprising a support beam 16 transverse to a crossbeam 18, 56, first leg 55 connected to a crossbeam first end 18, 56 and extending down, second leg 55 connected to a

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crossbeam 18, 56 wherein first leg 55 and second leg 55 clamp goods 22, a hydraulic cylinder 51, 51 connecting a crossbeam 18, 56 to a support beam 16 and extending to raise an lower goods 22.

With respect to claim 33, Cornacchia discloses a crossbeam 18, 56 connected to a support beam 16 for translational movement

With respect to claim 34, Cornacchia discloses a crossbeam 18, 56 pivots on a support beam.

With respect to claim 35, Cornacchia discloses a crossbeam 18, 56 includes a hydraulic driver (col. 6, Ins. 55-69) which moves between a clamped condition with first leg 55 moving towards second leg 55 and an unclamped condition with first leg 55 moving away from second leg 55.

With respect to claim 36, Cornacchia discloses a first leg 55 and second leg 55 do not extend below goods units.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US 3,788,500). Lemelson discloses an apparatus comprising a gripping unit pick-up region G, guide and support unit 15 mounted to overhead structure. It is noted that mounting a guiding and support unit to overhead structure, overhead structure

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comprises building ceilings comprise, frame, & cross members. Therefore, it would have been obvious to mount an apparatus to a ceiling, as taught by Lemelson, such that a guiding unit may extend over a loading region.

6. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornacchia (US 5,108,255) in view of Lemelson (US 3,788,500). Cornacchia discloses the claimed invention, but does not disclose cross members connected to a fixed structure. Lemelson discloses fixturing a support beam to an overhead structure, but does not disclose fixturing to a ceiling. It is noted that mounting an overhead rail to overhead structure, overhead structure comprises building ceilings comprise, frame, & cross members. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the support beam of the Cornacchia to an overhead structure such as ceilings or beams mounted from a ceiling, to provide for an open floor space.

### ***Response to Arguments***

7. Applicant's arguments filed March 18, 2005 with respect to the rejection(s) of claim(s) 1-32 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lemelson (US 3,788,500) & Cornacchia (US 5,108,255).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weil (US 3982745) discloses interoperability of overhead rail support beam mounting ceilings or other overhead structure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

  
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